



Montana Legislative History

Chapter: 295 Session L: 2007

Bill Number: 246
Senate

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	N/A
Third Reading Bill	X
Final Version of Bill	X

House

Committee:

Judiciary

Hearing Date(s):

[March 21, 2007](#)

[March 27, 2007](#)

(Executive Action)

Senate

Committee: Public Health, Welfare and Safety

Hearing Date(s):

[February 14, 2007](#)

February 20, 2007 (Executive Action)*

*Link for these minutes go to a subcommittee meeting.

Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Compiler Notes

Compiled by: sg

Date:

June 18, 2024:

(4)(3) The department of public health and human services shall adopt reasonable rules for:

(a) reports to be submitted by any laboratory making tests and the manner of furnishing the reports to the certifying physician and the state; and

(b) exemptions, on medical grounds, from the premarital ~~serological~~ *rubella blood test*."

Section 5. Section 40-1-208, MCA, is amended to read:

"40-1-208. Penalties. (1) An applicant for a marriage license, a physician or other person authorized by rule of the department of public health and human services to issue a medical certificate, or a person in charge of or authorized to make reports or statements for a laboratory who misrepresents the person's identity or any of the facts called for by the certificate form prescribed by 40-1-203 through 40-1-205; a licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license; or any person who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.

(2) Medical certificates, laboratory statements or reports, ~~and~~ applications, *and waivers* referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to or open to inspection by any person other than state or local health officers or their representatives. A person who divulges the information or opens to inspection the certificates, statements, reports, ~~or~~ applications, *or waivers*, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100."

Approved April 26, 2007

CHAPTER NO. 295

[SB 246]

AN ACT ADDING AMBULANCE SERVICES TO THOSE HEALTH CARE PROVIDERS ABLE TO ESTABLISH A LIEN FOR SERVICES RENDERED IN THE DIAGNOSIS OR TREATMENT OF A MEDICAL CONDITION; AND AMENDING SECTION 71-3-1114, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 71-3-1114, MCA, is amended to read:

"71-3-1114. Liens of ~~physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, hospitals, and ambulatory surgical facilities and~~ psychologists, licensed social workers, and licensed professional counselors *certain health care providers and health care facilities*. (1) (a) Upon the required notice of a lien being given, there is a lien as provided in subsection (1)(b) whenever:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~ ambulatory surgical facility, *or ambulance service* renders services or provides products for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor renders services or provides products; and

(iii) the services rendered or products provided under subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided to a person injured through the fault or neglect of another.

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, *ambulance service*, psychologist, licensed social worker, or licensed professional counselor has a lien for the value of services rendered or products provided on:

(i) any claim or cause of action that the injured person or the injured person's estate or successors may have for injury, disease, or death;

(ii) any judgment that the injured person or the estate or successors may obtain for injury, disease, or death; and

(iii) all money paid in satisfaction of the judgment or in settlement of the claim or cause of action.

(2) (a) If a person is an insured or a beneficiary under insurance that provides coverage in the event of injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~ ambulatory surgical facility, *or ambulance service* for the value of services rendered or products provided for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor for services rendered or products provided.

(b) The lien is on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, *ambulance service*, psychologist, licensed social worker, or licensed professional counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person, the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created by this part."

Approved April 26, 2007

CHAPTER NO. 296

[SB 339]

AN ACT REVISING ANNEXATION AND ZONING LAWS; PROHIBITING A MUNICIPALITY FROM ANNEXING TERRITORY LOCATED IN A COUNTY DIFFERENT FROM THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED UNLESS CERTAIN CONDITIONS ARE MET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Annexation across county boundaries. (1) Except as provided in subsection (2), in all instances of annexation allowed under parts 42

Bill Draft Number: LC0599

Bill Type - Number: SB 246

Short Title: Include ambulance services under medical providers able to establish lien

Primary Sponsor: Steven Gallus (D) SD 37

Chapter Number: 295

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 42

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/26/2007			
(S) Signed by Governor	04/26/2007			
(S) Transmitted to Governor	04/17/2007			
(H) Signed by Speaker	04/17/2007			
(S) Signed by President	04/13/2007			
(S) Returned from Enrolling	04/04/2007			
(C) Printed - New Version Available	04/04/2007			
(S) Sent to Enrolling	04/03/2007			
(H) Returned to Senate	04/02/2007			
(H) 3rd Reading Concurred	04/02/2007	87	13	
(H) Scheduled for 3rd Reading	04/02/2007			
(C) Printed - New Version Available	03/31/2007			
(H) 2nd Reading Concurred	03/31/2007	89	9	
(H) Scheduled for 2nd Reading	03/31/2007			
(H) Committee Report--Bill Concurred	03/28/2007			(H) Judiciary
(H) Committee Executive Action--Bill Concurred	03/28/2007	16	1	(H) Judiciary
(H) Hearing	03/21/2007			(H) Judiciary
(H) Referred to Committee	03/13/2007			(H) Judiciary
(H) First Reading	03/13/2007			
(S) Transmitted to House	02/22/2007			
(S) 3rd Reading Passed	02/22/2007	50	0	
(S) Scheduled for 3rd Reading	02/22/2007			
(S) 2nd Reading Passed on Voice Vote	02/21/2007	50	0	
(S) Scheduled for 2nd Reading	02/21/2007			
(S) Committee Report--Bill Passed	02/20/2007			(S) Public Health, Welfare and Safety
(S) Committee Executive Action--Bill Passed	02/20/2007	5	4	(S) Public Health, Welfare and Safety
(S) Hearing	02/14/2007			(S) Public Health, Welfare and Safety
(C) Introduced Bill Text Available Electronically	01/12/2007			

(S) Referred to Committee	01/11/2007	(S) Public Health, Welfare and Safety
(S) First Reading	01/11/2007	
(S) Introduced	01/11/2007	
(C) Draft Delivered to Requester	01/09/2007	
(C) Draft Ready for Delivery	12/28/2006	
(C) Draft in Assembly/Executive Director Review	12/26/2006	
(C) Draft in Final Drafter Review	12/26/2006	
(C) Bill Draft Text Available Electronically	12/26/2006	
(C) Draft in Input/Proofing	12/26/2006	
(C) Draft to Drafter - Edit Review [JLN]	12/26/2006	
(C) Draft in Edit	12/26/2006	
(C) Draft in Legal Review	12/23/2006	
(C) Draft to Requester for Review	12/07/2006	
(C) Draft Request Received	10/12/2006	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Gallus	Steven	
Drafter	Jackson	Lisa Mecklenberg	
Primary Sponsor	Gallus	Steven	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Health Care Services (see also: Health)		Simple	HLTC

Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: N

Session Law Ch. Number: 295

DEADLINE

Category: General Bills

Transmittal Date: 02/28/2007

Return (with 2nd house amendments) Date: 04/05/2007

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-OCT-07

SENATE BILL NO. 246
INTRODUCED BY S. GALLUS

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AMBULANCE SERVICES TO THOSE HEALTH CARE PROVIDERS ABLE TO ESTABLISH A LIEN FOR SERVICES RENDERED IN THE DIAGNOSIS OR TREATMENT OF A MEDICAL CONDITION; AND AMENDING SECTION 71-3-1114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1114, MCA, is amended to read:

"71-3-1114. Liens of ~~physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, hospitals, and ambulatory surgical facilities~~ and ~~liens of psychologists, licensed social workers, and licensed professional counselors~~ certain health care providers and health care facilities. (1) (a) Upon the required notice of a lien being given, there is a lien as provided in subsection (1)(b) whenever:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or ambulatory surgical facility~~, or ambulance service renders services or provides products for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor renders services or provides products; and

(iii) the services rendered or products provided under subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided to a person injured through the fault or neglect of another.

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor has a lien for the value of services rendered or products provided on:

(i) any claim or cause of action that the injured person or the injured person's estate or successors may have for injury, disease, or death;

(ii) any judgment that the injured person or the estate or successors may obtain for injury, disease, or death; and

(iii) all money paid in satisfaction of the judgment or in settlement of the claim or cause of action.

(2) (a) If a person is an insured or a beneficiary under insurance that provides coverage in the event of

injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~ ambulatory surgical facility, or ambulance service for the value of services rendered or products provided for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor for services rendered or products provided.

(b) The lien is on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person, the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created by this part."

- END -

SENATE BILL NO. 246

INTRODUCED BY GALLUS, SESSO, BERGREN, GROESBECK, EVERETT, OLSON, KEANE, PARKER,
NOONAN

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AMBULANCE SERVICES TO THOSE HEALTH CARE PROVIDERS ABLE TO ESTABLISH A LIEN FOR SERVICES RENDERED IN THE DIAGNOSIS OR TREATMENT OF A MEDICAL CONDITION; AND AMENDING SECTION 71-3-1114, MCA."

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(ii) any judgment that the injured person or the estate or successors may obtain for injury, disease, or death; and

(iii) all money paid in satisfaction of the judgment or in settlement of the claim or cause of action.

(2) (a) If a person is an insured or a beneficiary under insurance that provides coverage in the event of injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~ ambulatory surgical facility, or ambulance service for the value of services rendered or products provided for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor for services rendered or products provided.

(b) The lien is on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person, the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created by this part."

- END -

SENATE BILL NO. 246

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NOONAN

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AMBULANCE SERVICES TO THOSE HEALTH CARE PROVIDERS ABLE TO ESTABLISH A LIEN FOR SERVICES RENDERED IN THE DIAGNOSIS OR TREATMENT OF A MEDICAL CONDITION; AND AMENDING SECTION 71-3-1114, MCA."

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(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or ambulatory surgical facility~~, or ambulance service renders services or provides products for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor renders services or provides products; and

(iii) the services rendered or products provided under subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided to a person injured through the fault or neglect of another.

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor has a lien for the value of services rendered or products provided on:

(i) any claim or cause of action that the injured person or the injured person's estate or successors may have for injury, disease, or death;

(ii) any judgment that the injured person or the estate or successors may obtain for injury, disease, or death; and

1 (iii) all money paid in satisfaction of the judgment or in settlement of the claim or cause of action.

2 (2) (a) If a person is an insured or a beneficiary under insurance that provides coverage in the event of
3 injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by:

4 (i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~
5 ambulatory surgical facility, or ambulance service for the value of services rendered or products provided for the
6 diagnosis and treatment of a medical condition; or

7 (ii) a psychologist, licensed social worker, or licensed professional counselor for services rendered or
8 products provided.

9 (b) The lien is on all proceeds or payments, except payments for property damage, payable by the
10 insurer.

11 (3) A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital,
12 ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional
13 counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person,
14 the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits
15 subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created
16 by this part."

17 - END -

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN DAN WEINBERG**, on February 14, 2007 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Dan Weinberg, Chairman (D)
Sen. Lynda Moss, Vice Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Kim Gillan (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Lisa Mecklenberg Jackson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 246, 2/2/2007; SB 326, 2/2/2007;
SB 397, 2/2/2007
Executive Action: SB 226; SB 93; SB 142; SB 368; SJ 5

00:00:01

HEARING ON SB 246

Opening Statement by Sponsor:

00:01:16 **SEN. STEVEN GALLUS (D), SD 37**, opened the hearing on **SB 246**, Include ambulance services under medical providers able to establish lien.

Proponents' Testimony:

00:02:09 J.D. Lynch, Montana Private Ambulance Association

00:02:51 Mike McGree, A-1 Ambulance, Montana Private Ambulance Association

00:03:39 John Gray, Montana Health Care Consultants, Missoula

00:04:14 Don Whalen, Missoula Emergency Services

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:04:51 Sen. Cobb to Mike McGree, A-1 Ambulance, Montana Private Ambulance Association

00:05:43 Sen. O'Neil to Mike McGree

00:07:17 John Gray

00:07:34 Sen. Dan Weinberg to Mike McGree

Closing by Sponsor:

00:11:10 Sen. Steve Gallus

HEARING ON SB 326

Opening Statement by Sponsor:

00:13:24 **SEN. TRUDI SCHMIDT (D), SD 11**, opened the hearing on **SB 326**, Prescription drug monitoring plan.

Proponents' Testimony:

00:18:55 Starla Blank, Pharmacist, Executive Director of the Board of Pharmacy

00:27:21 Nanette Gilbertson, Montana Pharmacy Association, Montana Sheriff's and Peace Officers Association

00:28:58 Erin McGowan-Fincham, State Auditor's Office

00:30:35 Jim Kembel, Montana Association of Chiefs of Police (MACOP)

Opponents' Testimony:

00:31:06 Scott Crichton, American Civil Liberties Union (ACLU)

EXHIBIT (phs33a01)

Informational Testimony:

00:34:20 Kathy McGowan, American Cancer Society, Montana Pain and Symptom Management Task Force

EXHIBIT (phs33a02)

00:37:04 Mark Cadwallader, Staff Attorney, Montana Labor and Industry

Questions from Committee Members and Responses:

00:37:47 Sen. O'Neil to Sen. Schmidt

00:39:07 Mark Cadwallader, Staff Attorney, Montana Labor and Industry

00:40:16 Sen. O'Neil to Mark Cadwallader

00:42:34 Sen. Murphy to Scott Crichton, ACLU

00:46:34 Sen. Moss to Sen. Schmidt

00:47:45 Sen. Moss to Starla Blank

00:48:38 Sen. Moss to Mark Cadwallader

00:50:05 Sen. Gillan to Starla Blank

00:53:37 Sen. Weinberg to Starla Blank

00:54:17 Cory Cook, Employee Benefit Management Services (EBMS)

00:56:03 Sen. Weinberg to Starla Blank

00:57:32 Sen. O'Neil to Mark Cadwallader

00:58:35 Sen. O'Neil to Starla Blank

01:01:08 Sen. Weinberg to Scott Crichton, ACLU

01:02:17 Sen. Murphy to Mark Cadwallader

01:04:50 Sen. Murphy to Starla Blank

01:06:38 Mark Cadwallader

Closing by Sponsor:

01:07:40 Sen. Schmidt

HEARING ON SB 397

Opening Statement by Sponsor:

01:13:16 **SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SB 397**, Revise dispensing of drugs at employer based clinics.

Proponents' Testimony:

01:17:13 Cory Cook, Employee Benefit Management Services (EBMS)

EXHIBIT (phs33a03)

01:28:16 Chuck Hunter, Montana Primary Care Association

Opponents' Testimony:

01:28:47 Mark Meredith, Pharmacist, Montana Board of Pharmacy

01:33:02 Nanette Gilbertson, Montana Pharmacy Association

Informational Testimony: None.

Questions from Committee Members and Responses:

01:34:49 Sen. Weinberg to Cory Cook, EBMS

01:37:12 Sen. Moss to Mark Meredith, Montana Board of Pharmacy

01:39:26 Sen. Moss to Cory Cook, EBMS

Closing by Sponsor:

01:40:22 Sen. Gillan

EXECUTIVE ACTION ON SB 226

01:43:54__Sen. Moss

Discussion:

01:45:08 Kelly Williams, Senior and Long Term Care Division,
Department of Public Health and Human Services (DPHHS)

EXHIBIT (phs33a04)

01:46:29 **Motion/Vote:** SEN. MOSS moved that SB 226 BE TABLED.
Motion carried with Sen. Cobb voting aye by proxy.

EXECUTIVE ACTION ON SB 93

01:47:31 **Motion:** SEN. ESP moved that SB 93 DO PASS.

Discussion:

01:48:15 Sen. Schmidt

01:49:01 **Vote:** Motion carried unanimously with Sen. Cobb voting
aye by proxy.

EXECUTIVE ACTION ON SB 142

01:49:59 **Motion:** SEN. ESP moved that SB 142 DO PASS.

01:50:19 **Motion:** SEN. ESP moved that AMENDMENT SB014202.ALJ BE
ADOPTED.

EXHIBIT (phs33a05)

Discussion:

01:50:54 Sen. Esp

01:51:59 Sen. Schmidt

01:52:45 Sen. Moss

01:52:51 Sen. Murphy

01:52:57 Sen. Schmidt

01:53:56 **Vote: Motion carried unanimously with Sen. Cobb voting aye by proxy.**

01:54:18 **Motion: SEN. ESP moved that AMENDMENT SB014201.AGT BE ADOPTED.**

01:54:54 Sen. Williams

01:55:45 Sen. Esp

01:56:14 **Vote: Motion carried unanimously with Sen. Cobb voting aye by proxy.**

01:56:30 **Motion/Vote: SEN. ESP moved that SB 142 DO PASS AS AMENDED. Motion carried unanimously by voice vote with Sen. Cobb voting aye by proxy.**

EXECUTIVE ACTION ON SB 368

01:58:26 **Motion: SEN. ESP moved that SB 268 DO PASS.**

01:58:50 **Motion: SEN. ESP moved that AMENDMENT SB036801.ALJ BE ADOPTED.**

EXHIBIT (phs33a06)

Discussion:

02:00:25 Sen. Esp

02:02:30 Sen. Weinberg to Pat Melby, Montana Medical Association

02:04:38 Sen. Weinberg to Lisa Jackson, Legislative Fiscal Division

02:05:17 Sen. Gillan to Sen. Esp

02:07:32 Sen. Gillan to Pat Melby

02:10:04 Sen. Gillan to Sen. Esp

02:10:39 Sen. Gillan to Pat Melby

02:12:10 Sen. Moss to Sen. Esp

02:14:45 Sen. Moss to Pat Melby

02:17:26 Sen. O'Neil to Lisa Jackson

02:19:01 **Vote: Motion carried 7-1 with Sen. Gillan voting no.
Sen. Cobb voted aye by proxy.**

02:19:29 **Motion: SEN. ESP moved that SB 368 DO PASS.**

Discussion:

02:20:00 Sen. Esp

02:20:47 Sen. Gillan

02:21:33 Sen. Schmidt

02:23:03 Sen. Weinberg

02:24:11 Sen. Esp

02:24:50 Sen. Schmidt to Pat Melby

02:27:04 Sen. Moss

02:27:56 Sen. Schmidt

02:29:26 Pat Melby

02:30:10 Sen. O'Neil

02:32:12 Sen. Murphy

02:32:53 Sen. Gillan

02:35:27 Sen. Esp

02:35:38 **Motion: SEN. ESP moved to amend SB368 after "a medical
practice may" to insert "and a group of five or fewer
medical providers must".**

02:36:31 Sen. Murphy

02:37:09 Sen. Weinberg to Lisa Jackson

02:37:19 Sen. Esp

02:37:59 Vote: Motion carried unanimously by voice vote. SEN. COBB voted aye by proxy.

02:38:13 Motion: SEN. ESP moved that SB 368 DO PASS AS AMENDED.

02:38:24 Motion: SEN. O'NEIL moved that SB 368 BE AMENDED to delete the duplicate "or" in the amendment.

02:39:25 Vote: Motion carried unanimously by voice vote.

02:39:33 Motion/Vote: SEN. ESP moved that SB 368 DO PASS AS AMENDED. Motion carried 8-1 by voice vote with SEN. GILLAN voting no. SEN. COBB voted aye by proxy.

EXECUTIVE ACTION ON SJ 5

02:40:15 Motion: SEN. MOSS moved that SJ 5 DO PASS.

Discussion:

02:40:32 Sen. Moss

02:40:57 Vote: Motion carried 8-1 by voice vote with SEN. ESP voting no. SEN. COBB voted aye by proxy.

ADJOURNMENT

Adjournment: 6:01 P.M.

SEN. DAN WEINBERG, Chairman

PRUDENCE GILDROY, Secretary

DW/pg

Additional Exhibits:

EXHIBIT ([phs33aad.pdf](#))

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Vice-Chair Ron Stoker on March 21, 2007 at 8:03 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: Rep. Diane Rice (R)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 192, SB 193, SB 224, SB 227, SB 228, SB 246, 3/14/2007
Executive Action: None

HEARING ON SB 193

Opening Statement by Sponsor:

00:01:08 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 193, Increase time to file petition to remove child from home.

Proponents' Testimony:

00:05:40 James McCoven, Deputy County Attorney, Missoula County, Missoula, Montana

00:07:25 Leo Gallagher, Lewis and Clark County Attorney, Helena, Montana, Montana County Attorneys Association

Opponents' Testimony: None

Informational Testimony:

00:09:56 Bruce Deitel, Child and Family Services, Department of Public Health and Human Services, State of Montana

Questions from Committee Members and Responses:

00:10:27 Rep. Peterson

00:10:53 Mr. Gallagher

Closing by Sponsor:

00:11:02 Sen. Laslovich

HEARING ON SB 246

Opening Statement by Sponsor:

00:12:17 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 246, Include ambulance services under medical providers able to establish lien.

Proponents' Testimony:

00:13:43 J.D. Lynch, Montana Ambulance Service Association

00:14:11 Mike McGree, A-1 Ambulance Service, President, Montana Ambulance Service Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:15:16 Rep. Kottel
00:15:34 Sen. Gallus
00:15:44 Rep. Peterson
00:16:44 Mr. McGree

Closing by Sponsor:

00:16:58 Sen. Gallus

HEARING ON SB 227

Opening Statement by Sponsor:

00:17:35 Sen. Jesse Laslovich (D), SD 43, opened the hearing on
SB 227, Revise collection and justice court laws.

Proponents' Testimony:

00:19:58 David Hull, Attorney, Helena, Montana
00:21:33 Michael Moore, Attorney, Missoula, Montana, President,
Montana Collectors Association
00:26:17 Mark Nash, Owner, Collection Agency, Vice-President,
Montana Collectors Association
00:26:45 Mike Holland, self
00:27:13 Bruce Spencer, Attorney
00:27:52 Jeff Koch, President, Collections Bureau Services
00:30:13 Chris Sanchez, Past President, Montana Collectors
Association

Opponents' Testimony: None

Informational Testimony:

00:31:05 Russ Hyatt, Department of Revenue, State of Montana

Questions from Committee Members and Responses:

00:31:29 Rep. Everett
00:31:49 Mr. Moore
00:36:36 Rep. McGillvray
00:36:57 Mr. Moore
00:41:56 Rep. Gallik
00:43:10 Mr. Hull

Closing by Sponsor:

00:47:36 Sen. Laslovich
00:49:26 Vice Chair Stoker
00:50:36 Rep Gallik

HEARING ON SB 228

Opening Statement by Sponsor:

00:50:52 Sen. Jesse Laslovich (D), SD 43, opened the hearing on
SB 228, Revise laws on driver education courses.

Proponents' Testimony:

00:55:10 Terry Steffins, Rocky Mountain Driving School

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:58:32 Rep. Gallik
01:00:00 Sen. Laslovich

Closing by Sponsor:

01:04:24 Sen. Laslovich

HEARING ON SB 192

Opening Statement by Sponsor:

01:05:07 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB
192, Invasion of privacy crime.

Proponents' Testimony:

01:08:32 Aidan Myhre, Alliance of Automobile Manufacturers
01:09:50 Mona Jamison, General Motors

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:12:03 Rep. Kottel
01:14:16 Sen. Essmann
01:16:01 Rep. Everett
01:16:30 Sen. Essmann

Closing by Sponsor:

01:18:15 Sen. Essmann

HEARING ON SB 224

Opening Statement by Sponsor:

01:19:52 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 224, Authorize game warden enforcement for certain misdemeanors.

Proponents' Testimony:

01:22:09 Jim Kropp, Chief Law Enforcement Official, Department of Fish, Wildlife and Parks, State of Montana

[EXHIBIT\(juh60a01\)](#)

[EXHIBIT\(juh60a02\)](#)

01:25:13 Jim Kembel, Montana Association of Chiefs of Police

01:25:46 Jim Smith, Montana Sheriffs and Peace Officers Association

[EXHIBIT\(juh60a03\)](#)

01:29:03 Marilyn Krause, Legislative Liaison, Bureau of Land Management

[EXHIBIT\(juh60a04\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:32:32 Rep. Everett
01:32:58 Sen. Shockley
01:34:41 Rep. Kottel
01:35:04 Sen. Shockley
01:36:18 Rep. Kottel
01:36:25 Mr. Kropp
01:36:52 Rep. Ward
01:38:08 Mr. Kropp
01:38:55 Rep. Cordier
01:40:06 Sen. Shockley

01:41:03 Rep. Ward

01:41:37 Sen. Shockley

01:42:43 Rep. Peterson

01:44:14 Sen. Shockley

Closing by Sponsor:

01:46:36 Sen. Shockley

ADJOURNMENT

Adjournment: 9:50 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh60aad.pdf](#))

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 27, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: Rep. Dave Gallik, Vice Chairman (D)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 404, SB 447, SB 481, SB 486, SB 523, 3/16/2007
Executive Action: SB 228, SB 346, SB 282, SB 246, SB 224, SB 193, SB 177, SB 169

HEARING ON SB 523

Opening Statement by Sponsor:

00:01:12 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 523, Revise court of record.

Proponents' Testimony:

00:04:01 Andrea Olson, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony:

00:04:55 Jim Shea, Judge, Worker's Compensation Court, State of Montana

Questions from Committee Members and Responses:

00:06:36 Rep. Stoker

00:06:40 Judge Shea

Closing by Sponsor:

00:06:54 Sen. Laslovich

HEARING ON SB 404

Opening Statement by Sponsor:

00:08:15 Sen. Greg Lind (D), SD 50, opened the hearing on SB 404, Revise liability for wild land fires.

Proponents' Testimony:

00:10:09 Bob Harrington, Administrator, Forestry Division, Department of Natural Resources and Conservation, State of Montana

[EXHIBIT\(juh65a01\)](#)

[EXHIBIT\(juh65a02\)](#)

[EXHIBIT\(juh65a03\)](#)

[EXHIBIT\(juh65a04\)](#)

00:22:51 Harold Blattie, Executive Director, Montana Association of Counties

00:26:25 Brett Waters, President, Montana County Fire Wardens Association, Montana Fire Alliance, Fire Chief, Central Valley Fire Department

00:32:43 Brian Crandell, Montana Mutual Aid Group, Central
Valley Fire Department
00:34:34 John Prinkki, Carbon County Commissioner, President,
Montana Association of Counties
00:35:35 John Semple, Montana Fire Alliance
00:36:08 Pat Keim, self, Captain, Baxendale Volunteer Fire
Department
00:37:30 Andrea Olson, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony:

00:38:45 Bill Gianoulis, Chief Defense Council, Risk
Management and Tort Defense, State of Montana

Questions from Committee Members and Responses:

00:41:53 Rep. Stoker
00:42:03 Mr. Harrington
00:42:55 Rep. Driscoll
00:43:43 Mr. Harrington
00:43:56 Rep. Peterson
00:44:21 Mr. Gianoulis
00:47:24 Mr. Harrington
00:51:15 Rep. Cordier
00:52:31 Ms. Olson
00:55:34 Rep. Koopman
00:56:51 Mr. Harrington
01:03:44 Rep. Rice
01:04:28 Mr. Harrington
01:07:03 Rep. Peterson
01:08:21 Mr. Harrington

Closing by Sponsor:

01:09:36 Sen. Lind

HEARING ON SB 486

Opening Statement by Sponsor:

01:10:57 Sen. Jim Shockley (R), SD 45, opened the hearing on SB
486, Revise aggravated assault law.

Proponents' Testimony:

01:14:33 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

[EXHIBIT\(juh65a05\)](#)

[EXHIBIT\(juh65a06\)](#)

[EXHIBIT\(juh65a07\)](#)

01:17:11 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:18:45 Rep. Peterson
01:19:40 Sen. Shockley
01:20:27 Rep. Koopman
01:22:19 Sen. Shockley
01:23:10 Rep. French
01:23:29 Sen. Shockley
01:24:43 Rep. Stoker
01:25:06 Sen. Shockley
01:25:16 Rep. Rice
01:25:31 Sen. Shockley
01:27:14 Rep. Peterson
01:27:35 Sen. Shockley

Closing by Sponsor:

01:28:09 Sen. Shockley

01:29:05 Break
01:43:46 Reconvene

HEARING ON SB 447

Opening Statement by Sponsor:

01:43:57 Sen. Gary Perry (R), SD 35, opened the hearing on SB
447, Revise victim's rights laws.

Proponents' Testimony:

01:47:25 Jennifer Hill-Hart, Montana Coalition Against Domestic
and Sexual Violence

[EXHIBIT\(juh65a08\)](#)

01:50:38 Rose Everett, Crime Victim's Advisory Council,
Mediator, Montana Mediation Association
01:53:54 Sally Hilander, Staff Liaison, Crime Victim Advisory
Council, Department of Corrections, State of
Montana
01:56:04 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana
01:58:31 Mike Weber, Richland County Attorney, President,
Montana County Attorneys Association

Opponents' Testimony: None

Informational Testimony:

01:59:18 Mary Phippen, Montana Association Clerks of District
Courts

Questions from Committee Members and Responses:

01:59:56 Rep. Koopman
02:00:30 Sen. Perry
02:00:52 Mr. Weber
02:03:15 Rep. Peterson
02:04:09 Mr. Weber
02:05:40 Ms. Bovington
02:07:38 Rep. Cordier
02:08:13 Ms. Bovington

Closing by Sponsor:

02:09:24 Sen. Perry

HEARING ON SB 481

Opening Statement by Sponsor:

02:11:10 Sen. David Wanzenried (D), SD 49, opened the hearing
on SB 481, Informed consent for marriage.

[**EXHIBIT\(juh65a09\)**](#)

Proponents' Testimony:

02:15:42 Tara Veazey, Attorney, Montana Legal Services
02:17:41 Olivia Riutta, Working for Equality and
Economic Liberation (WEEL)

[**EXHIBIT\(juh65a10\)**](#)

02:20:02 Kelsen Young, Montana Coalition Against Domestic and
Sexual Violence

Opponents' Testimony:

02:21:15 Lynn Stumberg, Eagle Forum

Informational Testimony: None

Questions from Committee Members and Responses:

02:22:17 Rep. Kottel
02:23:15 Sen. Wanzenried
02:28:18 Rep. McGillvray
02:28:42 Sen. Wanzenried
02:29:05 Ms. Phippen
02:30:26 Sen. Wanzenried
02:33:45 Rep. Stoker
02:34:10 Sen. Wanzenried
02:36:51 Rep. Ward
02:37:49 Ms. Stumberg
02:38:20 Rep. Jore
02:40:01 Sen. Wanzenried
02:40:49 Rep. Koopman
02:42:45 Sen. Wanzenried
02:45:16 Ms. Riutta
02:45:25 Rep. Raser
02:46:00 Sen. Wanzenried
02:46:24 Ms. Phippen
02:49:35 Rep. Peterson
02:50:49 Sen. Wanzenried
02:52:50 Rep. Cordier
02:53:59 Sen. Wanzenried
02:56:07 Ms. Phippen
02:57:39 Rep. Ward
02:59:10 Sen. Wanzenried
03:00:27 Rep. McGillvray
03:00:47 Sen. Wanzenried
03:01:46 Rep. Peterson
03:02:23 Sen. Wanzenried
03:02:43 Rep. Koopman
03:03:28 Sen. Wanzenried

Closing by Sponsor:

03:04:35 Sen. Wanzenried

EXECUTIVE ACTION ON SB 169

03:09:01 **Motion/Vote:** Rep. Stoker moved that **SB 169 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gallik, Ebinger, Ward, O'Hara voted by proxy. Rep. Peterson to carry on House Floor.

EXECUTIVE ACTION ON SB 177

03:12:05 **Motion/Vote:** Rep. McGillvray moved that **SB 177 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gallik, Ebinger and Ward voted by proxy. Rep. Gallik to carry on House Floor.

EXECUTIVE ACTION ON SB 193

03:13:04 **Motion/Vote:** Rep. Stoker moved that **SB 193 BE CONCURRED IN**. Motion carried unanimously by voice vote. Reps. Gallik and Ward voted by proxy. Rep. Cordier to carry on House Floor.

EXECUTIVE ACTION ON SB 228

03:14:56 **Motion:** Rep. McGillvray moved that **SB 228 BE CONCURRED IN**.

Discussion:

03:15:23 Rep. Stoker
03:15:34 Rep. French
03:15:42 Rep. Driscoll
03:16:09 Rep. Koopman
03:17:37 Rep. Rice
03:17:44 Rep. McGillvray
03:17:59 Rep. Stoker
03:18:32 Rep. Kottel
03:19:50 Rep. Raser
03:20:03 David Niss, Legislative Services

03:21:04 **Vote:** Motion that **SB 228 BE CONCURRED IN** failed 6-11 by roll call vote with Reps. Gallik, Koopman, Cordier, O'Hara, Kottel, and Ebinger voting aye. Rep. Gallik voted by proxy.

03:21:48 **Motion/Vote:** Rep. Ward moved that **SB 228 BE TABLED AND THE VOTE REVERSED**. Motion carried by voice vote.

EXECUTIVE ACTION ON SB 224

03:22:22 **Motion:** Rep. Stoker moved that **SB 224 BE CONCURRED IN.**

Discussion:

03:22:50 Rep. Cordier
03:23:11 Rep. Driscoll
03:24:10 Rep. O'Hara
03:24:31 Rep. Peterson
03:25:07 Rep. Kerns
03:25:17 Rep. Rice
03:25:35 Rep. Ward
03:26:24 Rep. Jore
03:26:57 Rep. Ebinger
03:27:40 Rep. McGillvray
03:28:31 Rep. French
03:29:44 Rep. O'Hara

03:30:56 **Vote:** Motion that **SB 224 BE CONCURRED IN** carried 9-8 by roll call vote with Reps. Gallik, Everett, Koopman, Kerns, Driscoll, Ward, Jore, and Rice voting no. Rep. Gallik voted by proxy. Rep. Peterson to carry on House Floor.

03:32:59 Rep. French
33:33:15 Rep. Raser

EXECUTIVE ACTION ON SB 246

03:33:51 **Motion/Vote:** Rep. Stoker moved that **SB 246 BE CONCURRED IN.** Motion carried 16-1 by voice vote with Rep. Jore voting no. Rep. Gallik voted by proxy. Rep. Driscoll to carry on House Floor

EXECUTIVE ACTION ON SB 282

03:34:57 **Motion:** Rep. Stoker moved that **SB 282 BE CONCURRED IN.**

Discussion:

03:35:31 Rep. Kottel

03:36:08 **Vote:** Motion that **SB 282 BE CONCURRED IN** carried unanimously by voice vote. Rep. Gallik voted by proxy. Rep. Ward to carry on House Floor.

03:36:56 Mr. Niss
3:37:21 Rep. Stoker
03:37:34 Rep. Raser

EXECUTIVE ACTION ON SB 346

03:38:44 **Motion:** Rep. Stoker moved **SB 346 BE CONCURRED IN.**

03:39:18 **Motion:** Rep. Jore moved that **SB 346 BE AMENDED with a CONCEPTUAL AMENDMENT TO STRIKE UNAUTHORIZED AND REPLACE WITH ILLEGAL.**

Discussion:

03:40:25 Mr. Niss
03:41:18 Rep. Jore withdrew the conceptual amendment.
03:43:00 Rep. Ebinger
03:43:24 Rep. Peterson
03:44:21 Rep. Kottel

03:45:23 **Motion:** Rep. Koopman moved that **SB 346 BE AMENDED with a CONCEPTUAL AMENDMENT TO REQUIRE CONTRACTOR TO COMPLETE I9 FORM and VERIFY SOCIAL SECURITY NUMBER.**

Discussion:

03:46:59 Rep. Peterson
03:47:29 Rep. Kottel
03:49:19 Rep. Kerns
03:49:43 Rep. French
03:50:16 Rep. Kottel
03:50:59 Rep. French
03:51:11 Rep. Rice
03:51:32 Rep. Stoker
03:52:22 Rep. Kottel
03:54:30 Rep. French
03:54:51 Rep. Raser
03:56:04 Rep. Ebinger
03:56:59 Rep. Rice
03:57:22 Rep. Peterson
03:58:18 Rep. Raser
03:58:24 Rep. O'Hara
03:59:14 Rep. Koopman withdrew the conceptual amendment.
04:00:51 Rep. French

04:01:45 **Vote:** Motion that **SB 346 BE CONCURRED IN** failed 7-10 by roll call vote with Reps. Gallik, Everett, Raser,

Cordier, Driscoll, Kottel, and Ebinger voting aye. Rep.
Gallik and Raser voted by proxy.

04:02:2:28 Motion/Vote: Rep. Stoker moved that **SB 346 BE TABLED
AND THE VOTE REVERSED**. Motion carried unanimously by
voice vote.

Additional Exhibit:

SB 347 heard on 3/23/07:

[EXHIBIT](#)(juh65a11)

ADJOURNMENT

Adjournment: 12:07 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh65aad.pdf](#))